

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

STATESVILLE DIVISION  
Case No.: 5:05cv277

MOTOWN RECORD COMPANY, L.P., a )  
California limited partnership; SONY BMG )  
MUSIC ENTERTAINMENT, a Delaware general )  
partnership; CAPITOL RECORDS, INC., a )  
Delaware corporation; ATLANTIC RECORDING )  
CORPORATION, a Delaware corporation; BMG )  
MUSIC, a New York general partnership; )  
WARNER BROS. RECORDS INC., a Delaware )  
corporation; and ARISTA RECORDS LLC, a )  
Delaware limited liability company, )

ORDER

)  
Plaintiffs, )  
)  
v. )  
)  
JAY RICHARDS, )  
)  
Defendant. )  
)

**DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

Based upon Plaintiffs' Motion for Default Judgment, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

.Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the eight sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Dollars (\$6,000.00).

1. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Seventy-Five Dollars (\$ 375.00).

2. Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Another Part Of Me," on album "Bad," by artist "Michael Jackson" (SR# 84-256);
- "Right Here Waiting," on album "Repeat Offender," by artist "Richard Marx" (SR# 103-712);
- "Invisible Man," on album "98 Degrees," by artist "98 Degrees" (SR# 249-152);
- "Hang," on album "Yourself or Someone Like You," by artist "Matchbox 20" (SR# 227-755);
- "The Space Between," on album "Everyday," by artist "Dave Matthews Band" (SR# 300-313);
- "Can't Have You," on album "LFO," by artist "LFO" (SR# 306-981);
- "If My Heart Had Wings," on album "Breathe," by artist "Faith Hill" (SR# 276-629);
- "Smile," on album "Lonely Grill," by artist "Lonestar" (SR# 187-003);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

Signed: August 29, 2007



Richard L. Voorhees  
United States District Judge

